



Flathead County Planning & Zoning

1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210

PETITION FOR ZONING AMENDMENT

*Submit this application, all required information, and appropriate fee (see current fee schedule)
to the Planning & Zoning office at the address listed above.*

FEE ATTACHED \$ 700.00

APPLICANT/OWNER:

1. Name: Noonan et al Phone: 752-7801
2. Mail Address: P.O. Box 10171
3. City/State/Zip: Kalispell, MT 59904
4. Interest in property: Owners

Check which applies:

☐

Map Amendment

☒

Text Amendment:

TECHNICAL/PROFESSIONAL PARTICIPANTS:

Name: Sands Surveying Inc. Phone: 755-6481
Mailing Address: 2 Village Loop
City, State, Zip: Kalispell, MT 59901
Email: erica@sandssurveying.com

IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE ZONING REGULATIONS, PLEASE COMPLETE THE FOLLOWING:

- A. What is the proposed zoning text/map amendment?

Please see attached.

IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE ZONING MAP PLEASE COMPLETE THE FOLLOWING:

- A. Address of the property: _____

- B. Legal Description: _____

(Lot/Block of Subdivision or Tract #)

Section _____ Township _____ Range _____

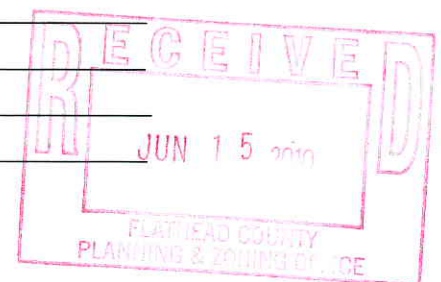
(Attach sheet for metes and bounds)

- C. Total acreage: _____

- D. Zoning District: _____

- E. The present zoning of the above property is: _____

- F. The proposed zoning of the above property is: _____



G. State the changed or changing conditions that make the proposed amendment necessary: _____

THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. PLEASE PROVIDE A RESPONSE AND DETAILED EXPLANATION FOR EACH CRITERION FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD, AND COMMISSIONERS.

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?
2. Is the proposed amendment designed to:
 - a. Secure safety from fire and other dangers?
 - b. Promote public health, public safety and the general welfare?
 - c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?
3. Does the proposed amendment consider:
 - a. The reasonable provision of adequate light and air?
 - b. The effect on motorized and non-motorized transportation systems?
 - c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?
 - d. The character of the district and its peculiar suitability for particular uses?
 - e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?
4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during approval process.

Owner/Applicant Signature(s)

Date

JUN 15 2010

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Erica Wirfala 6-14-10
Owner/Applicant Signature(s) Date
on behalf of clients

JUN 17 2010

APPLICATION PROCESS

APPLICABLE TO ALL ZONING APPLICATIONS:

A. Pre-Application Meeting:

A pre-application meeting is highly recommended. This can be scheduled at no cost by contacting the Planning & Zoning office. Among topics to be discussed are: Master Plan compatibility with the application, compatibility of proposed zone change with surrounding zoning classifications, and the application procedure.

B. Completed application.

C. Application fee.

D. The application must be accepted as complete by the Flathead County Planning & Zoning staff prior to the date of the planning board meeting at which it will be heard in order that requirements of state statutes and the zoning regulations may be fulfilled.

APPLICABLE TO APPLICATIONS FOR ZONE CHANGE:

A. Application Contents:

1. Completed Zone Change application, including signatures of all property owners applying for zoning map amendment.

IF this is a **MAP** amendment the following are also required:

- i) A map showing the location and boundaries of the property (*vicinity map*).
- ii) A Title Report of the subject property
- iii) **Certified** Adjoining Property Owners List must be submitted with the application (*see forms below*). The list will be sent directly to the Planning & Zoning office, unless you request otherwise. This list is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.

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Check which applies:

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Map Amendment

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Text Amendment:

TECHNICAL/PROFESSIONAL PARTICIPANTS:

Name: Erica Wirtala/Sands Surveying Phone: 755-6481
Mailing Address: 2 Village Loop
City, State, Zip: Kalispell, MT 59901
Email: erica@sandssurveying.com

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- A. Address of the property: see list

- B. Legal Description: _____

(Lot/Block of Subdivision or Tract #)

18919-29-21

Section Township Range

(Attach sheet for metes and bounds)

- C. Total acreage: 78.71

- D. Zoning District: Highway 93 N.

- E. The present zoning of the above property is: Sag 10

- F. The proposed zoning of the above property is: B-2-H-Gr

SECTION 3.44

B-2HG GENERAL BUSINESS HIGHWAY GREENBELT

3.44.010

Definition:

A business district intended to provide for impact-mitigated retail sales and service functions along major transportation routes within the County. The uses serve the needs of the community and the general tourist/traveler while the unique performance standards mitigate the potential impacts of "strip" commercial development. The zone is specifically created with the intent of protecting the viewshed by providing a greenbelt, tiered building heights and enhanced signage and lighting standards.

A greater number of overall uses combined with expedited, administrative review for many conditional uses will promote predictability and economy for developers and landowners while assuring conformance with impact-mitigating standards of the district. This zone protects the rights of property owners and the aesthetics that make Flathead County unique and desirable.

3.44.020

Permitted Uses

1. Accessory Apartments
2. Art foundries/galleries
3. Bakery
4. Banks and financial institutions
5. Barber and beauty services
6. Bed and breakfast
7. Churches
8. Coffee stands
9. Delis
10. Food store (less than 5,000ft² gross floor area)
11. Food bank
12. Hotels/motels
13. Lodges; fraternal and social organizations
14. Media; newspapers, radio, tv, internet
15. Offices (professional and governmental)
16. Offices (medical)
17. Pack-n-ship
18. Parks and publicly-owned recreational facilities
19. Photographic studio
20. Print and Copy shops
21. Public transportation shelter stations
22. Public utility service installations (A minimum of five feet of landscaped area shall surround such building or structure.)
23. Quasi-public buildings
24. Restaurants

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- 25. Tattoo parlor
- 26. Veterinary clinic

3.44.030

Conditional Uses

- 1. Art foundries*
- 2. Auctions, indoor*
- 3. Automotive (new and used) and accessory sales*
- 4. Automobile Service Stations (gas stations)
- 5. Bars/tavern, liquor stores, casinos
- 6. Boat Sales, new and used*
- 7. Bus station
- 8. Car washes – auto detailing
- 9. Colleges, business schools, trade schools, music conservatories, dance schools.
- 10. Community center*
- 11. Convention center facilities
- 12. Day care centers*
- 13. Dwellings:*
 - a. Duplex
 - b. Townhouse
- 14. Electrical Distribution stations
- 15. Farm equipment sales
- 16. Funeral Homes and crematoriums
- 17. Greenhouses, nursery centers and landscaping materials*
- 18. HVAC/electrical/plumbing, sales and service*
- 19. Laundromats or dry cleaners
- 20. Lumber yard, building supply*
- 21. Manufactured home sales and storage*
- 22. Microbrewery
- 23. Mini-storage, RV Storage
- 24. Recreational facilities, high impact
- 25. Recreational facilities, low impact*
- 26. Recreational vehicle parks
- 27. Recycling drop-off stations
- 28. Rental service stores and yards*
- 29. Repair shops- appliances, clothing & electronics*
- 30. Small engine repair*
- 31. Structures containing multiple and/or mixed permitted uses*
- 32. Supermarkets (food store w/ 5,000ft² gross floor area or more)
- 33. Theater (non-drive in)*
- 34. Theater (drive in)

*Administrative Conditional Use Permit (See Section 2.06.045)

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Bulk and Dimensional Requirements

1. Minimum Lot Area:
 - a. 7500ft² (when public sewer and water are available)
 - b. 1 acre (when public sewer and water are not available)
2. Minimum Lot Width:
 - a. 50 feet
3. Setbacks:
 - a. Greenbelt Standards:

In addition to complying with Section 5.05 of the Flathead County Zoning Regulations, greenbelts within the B-2HG zone shall comply with the following requirements:

 - i. 10% of depth of lot (measured from edge of road right of way or easement) shall be set aside at the time of development as a greenbelt running adjacent to and parallel to the road frontage. For lots less than 400' in depth, minimum setbacks apply. For lots greater than 1,000 feet in depth, greenbelt maximum is capped at 100 feet.
 - ii. A minimum 10'-wide bicycle path easement within the greenbelt running parallel to the highway/road shall be preserved at the time of development of the property. The developer/landowner is not required to construct the path.
 - iii. Up to 50% of the greenbelt area may be utilized for meeting landscaped parking requirements.
 - iv. The greenbelt may be used for septic drainfields.
 - v. At a minimum, the first 40' of greenbelt from the front property line shall be developed and maintained with berms, rockwork, and/or irrigated trees, grass and/or shrubs. Trees shall be spaced when planted so that mature trees will generally create a continuous canopy.
 - b. Minimum Yard Requirements:

Front:	40 feet (minimum greenbelt)
Side:	5 feet each
Side Corner:	20 feet
Rear:	10 feet
4. Maximum Building Heights:
 - a. Front of structure located 40 to 80 feet from front property line:

20 feet

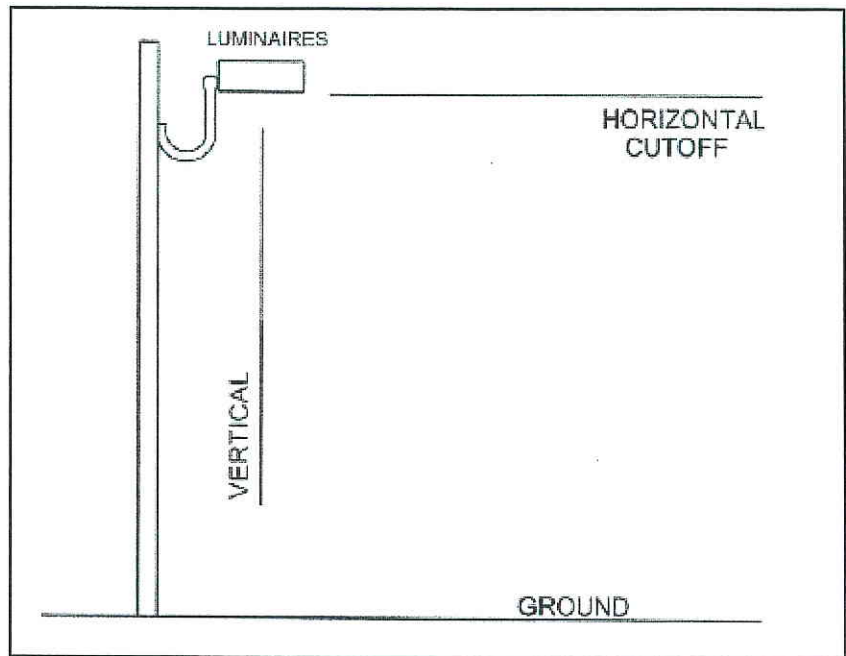
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- b. Front of structure located 81 to 125 feet from front property line*: 30 feet
- c. Front of structure located 126 feet or more from front property line*: 35 feet

*NOTE: Structures may be built to utilize multiple building heights, so long as the height of the building conforms to the distances from the front property line outlined above. For example, a structure that begins at 60 feet from the front property line shall not exceed 20 feet in height to a distance 80 feet from the front property line, but from 81 to 125 feet from the front property line, the same structure may be built to a maximum height of 30 feet.

- 5. Permitted Lot Coverage: Not applicable
- 6. Maximum Fence Height:
 - Front: 4 feet
 - Side: 6 feet each
 - Rear: 6 feet
- 7. Off-Street Parking: See Chapter VI-Parking and Loading
- 8. Lighting Standards: In addition to complying with Section 5.12 of the Flathead County Zoning Regulations, lighting within the B-2HG zone shall comply with the following impact-mitigating standards:
 - a. The height and level of lighting should be appropriate for the development and not exceed 25 feet.
 - b. Roof illumination is not allowed.
 - c. All pole mounted lighting shall have a full cut-off lens that does not allow light to shine above a 90-degree angle measured from a vertical line from the center of the lamp.

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9. Signage Standards: In addition to complying with Section 5.11 of the Flathead County Zoning Regulations, signage within the B-2HG zone shall comply with the following impact-mitigating standards:
- Use of neon and/or other lighting arranged around a building, sign or structure for the purpose of attracting attention is prohibited. Lighting for purposes of illuminating the sign face at night is allowed.
 - Every property or developed site within the B-2HG district is allowed one freestanding, ground mounted or monument sign that does not exceed the height of the primary use structure and 50ft² per sign face. For lots that have less than 250' of road frontage, one sign is allowed. For lots that have more than 250' of road frontage, two freestanding signs are allowed.
 - The freestanding sign can be placed within the greenbelt area, however it cannot block the bicycle/pedestrian easement or visibility requirements for access locations.
 - Street numbers shall be included on the face of the sign.
 - Building mounted signs shall not project above the roofline of the building.

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